

### REMARKS/ARGUMENTS

Claims 1-13, 15-21 and 23-25 are all the claims pending in this application.

Reconsideration of the subject patent application and allowance of the claims are respectfully requested in view of the following remarks and the Declaration under 37 C.F.R. § 1.131 filed currently herewith.

Claims 1-3, 7-12 and 16-18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Adams et al. (U.S. Publication No. 2003/0083943) ("Adams").

Applicant has submitted herewith a Declaration under 37 C.F.R. § 1.131 signed by the inventor in order to overcome the Adams reference. In particular, attached to the Rule 131 Declaration is a copy of the final draft patent application ("final draft") that was produced prior to January 21, 2000, the earliest filing date of Adams. As explained in more detail in the Declaration, the final draft attached to the Declaration reflect that the inventor had conceived a system and method of offering a promotional award to a visitor of an electronic commerce site.

To demonstrate that the attached final draft supports independent claim 1, claim 1 is set forth in bold below, with the support for each recited element set forth in brackets below the corresponding claim element.

**An electronic commerce apparatus for offering a promotional award to a visitor of an electronic commerce site, comprising:**

[Page 5, lines 8-10 describes an electronic commerce apparatus. See, e.g., page 12, lines 1-3.]

**a connection to a distributed communication network;**

[Page 5, lines 10-12 states that "an electronic commerce site 106 is connected to a distributed communication network 100." See, e.g., page 12, line 4.]

**a promotional awards storage area, including**

[Page 6, lines 11-20 describes a "promotional awards storage area 115 ... that track[s] multiple visitors and [] all promotional award activity at the electronic commerce site 106." See, e.g., page 12, lines 5-6.]

**a customer identifier storage that contains unique identification information for each visitor to said site, and**

[Page 8, lines 5-11 describes a visitor identifier storage 121 that contains "a unique identifier, assigned to each visitor upon their first visit." See, e.g., page 6, line 18.]

**a visitor parameter storage that contains information pertaining to prior visits to said site by visitors identified in said customer identifier storage; and**

[Page 8, lines 12-13 describes a number of visits storage 124 that "records the number of all previous visits by the associated potential customer." See, e.g., page 6, lines 18-19.]

**an awards rule storage that stores rules for crediting awards to visitors of said site according to information stored in said visitor parameter storage;**

[Page 6, line 21-page 8, line 2 discloses an award rule storage 109 that contains rules governing promotional awards. See, e.g., page 6, lines 9-10; page 12, line 7.]

**wherein a visitor of said site is granted a promotional award by retrieving visitor parameter information from said visitor parameter storage corresponding to customer identification information stored in said customer identifier storage in response to visitor identification information provided to said apparatus upon visitor access to said site, and applying retrieved visitor parameter information to award crediting rules retrieved from said awards rule storage.**

[Page 7, line 1-page 8, line 2 discloses retrieving visitor parameter information and applying the information to the award rules. See, e.g., page 12, lines 8-12.]

To demonstrate that the attached final draft supports independent claim 10, claim 10 is set forth in bold below, with the support for each recited element set forth in brackets below the corresponding claim element.

**A method for offering a promotional award to a visitor to an electronic commerce site, comprising the steps of:**

[Page 8, lines 21-22 describes a method for offering a promotional award. See, e.g., page 14, lines 1-2.]

**detecting a site visit by a visitor and keeping track of a number of visits to said site and a number of purchases from said site by individually identified visitors; and**

[Page 8, lines 22-25 discloses the step of detecting a site visit. See, e.g., page 14, line 3.]

**granting a promotional award to said visitor in accordance with award rules pertaining to the number of visits to said site by said visitor and purchases from said site by said visitor;**

[Page 9, lines 1-4 describes the step of granting a promotional award. See, e.g., page 14, lines 4-6.]

**wherein said visitor is motivated to make multiple site visits and a purchase as a result of said promotional award.**

[Page 7, lines 12-19 describes incentives of the promotional award. See, e.g., page 7, lines 4-6; page 14, lines 10-11.]

To demonstrate that the attached final draft supports independent claim 19, claim 19 is set forth in bold below, with the support for each recited element set forth in brackets below the corresponding claim element.

**A method of offering a promotional award to a visitor of an electronic commerce site, comprising the steps of:**

[Page 9, lines 16-17 describes a method for offering a promotional award.  
See, e.g., page 16, lines 1-2.]

**detecting a site visit by a visitor and storing information identifying a visitor and identifying prior promotional awards credited to said visitor;**

[Page 9, lines 17-18 discloses the step of detecting a site visit. See, e.g., page 16, line 3.]

**determining whether said visitor has already exceeded a predetermined promotional award limit;**

[Page 9, lines 18-21 describes a predetermined promotional award limit is compared against a promotional award amount stored in an award amount storage 129. See, e.g., page 16, lines 4-5.]

**granting a promotional award to said visitor if said visitor has not exceeded said predetermined promotional award limit and updating the value of said prior credited promotional awards associated with visitor identification information;**

[Page 9, line 21-page 10, line 6 states that a promotional award is given to a visitor if the last promotional award to the visitor is less than the predetermined award limit. See, e.g., page 16, lines 6-9.]

**wherein said visitor is motivated to make multiple site visits and a purchase as a result of said promotional award.**

[Page 7, lines 12-19 describes incentives of the promotional award. See, e.g., page 7, lines 4-6; page 16, lines 13-14.]

Moreover, during the period prior to January 21, 2000, Applicant worked diligently with outside patent counsel in order to prepare and file the patent application

directed to the subject matter set forth in the draft application attached to the Declaration.

Thus, the Declaration filed herewith establishes that Adams is not a proper reference under 35 U.S.C. § 102(e) because it was not "filed in the United States before the invention" of the subject matter of this application.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-3, 7-12 and 16-18 under 35 U.S.C. § 102(e) based upon Adams.

Claims 4-6, 13, 15, 19, 20, 23 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Steinman et al. (U.S. Publication No. 2003/0105663) ("Steinman"). Applicant submits that the removal of Adams as a prior art reference against this application, the subject matter of the rejected claims is not anticipated nor rendered obvious by the teachings of Steinman.

Claims 4-6, 13, 15, 20, 23 and 24 depend from at least one of independent claims 1, 10 and 19, and are believed to be allowable as being dependent upon an allowable base claim, there being nothing in the disclosure of Steinman to render claims 1, 10 and 19 obvious. For example, Steinman does not disclose, teach or suggest, inter alia, a promotional awards storage area including a customer identifier storage and a visitor parameter storage, and an awards rule storage that stores rules for crediting awards to visitors according to information stored in the visitor parameter storage, as recited in claim 1. In addition, Steinman does not disclose, teach or suggest, inter alia, detecting a site visit by a visitor and keeping track of a number of visits to the site and a number of purchases from the site by individually identified visitors; and granting a promotional award to the visitor in accordance with award rules pertaining to the number of visits to the site by the visitor and purchases from the site by the visitor, as recited in claim 10. Further, Steinman does not disclose, teach or suggest, inter alia, detecting a site visit by a visitor and storing information identifying a visitor and identifying prior promotional awards credited to the visitor; determining whether the visitor has already exceeded a predetermined promotional award limit;

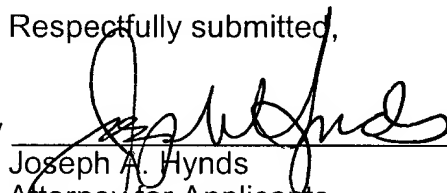
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granting a promotional award to the visitor if the visitor has not exceeded the predetermined promotional award limit and updating the value of the prior credited promotional awards associated with visitor identification information, as recited in claim 19. Accordingly, it is respectfully submitted that claims 4-6, 13, 15, 19, 20, 23 and 24 are allowable.

All rejections have been addressed, it is respectfully submitted that the present application is now in a condition for allowance, and a notice to that effect is earnestly requested.

Respectfully submitted,

By



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